

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

Eric Babos,	:	Case No. 3:09CV0908
	:	
Plaintiff	:	Judge Jack Zouhary
	:	
v.	:	Magistrate Judge David S. Perelman
	:	
Robert Welch, Warden,	:	<b>MEMORANDUM OPINION</b>
	:	<b>AND ORDER</b>
Defendant	:	

Having reviewed the respondent's "Response To Motion To Compel" (Doc. #13) and petitioner's reply thereto (Doc. #18) it appears to this Court that, although respondent's counsel has made a good faith effort to provide petitioner's counsel with the materials sought under the motion, by reason of inadvertence two copies of the transcript of a hearing on a motion for new trial, rather than copies of transcripts of two such hearings, were provided. This Court expects that with this being called to the attention of respondent's counsel he will expeditiously obtain and provide plaintiff's counsel with a transcript of the hearing held on October 17, 2005.

This Court will grant petitioner's counsel's request to be given until December 18, 2009 to complete his review of the record and permission to move to supplement the record, if he deems such is proper under Rule 5 of the Habeas rules.

**IT IS SO ORDERED**

s/DAVID S. PERELMAN  
United States Magistrate Judge

DATE: December 16, 2009